IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 20627 of 1995

Between:

Yennam Simha Reddy S/o Laxma Reddy
R/o Ramapuram vill., Thlkondapally Mdl.,
Mahaboobnagar dist. **..... PETITIONER**

AND

1.The District Collector
Mahaboobnagar.
2.The Revenue Divisional Officer
Mahaboobnagar.
3.The Mandal Revenue Officer
Talkondapally Mandal, Mahaboobnagar Dist. **....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of certiorari calling for the record relating to the proceedings in C4/6556/95 dated 28-8-1995 issued by the respondent No.1 and quash the same and consequential direction forebearing the respondents from stopping the functioning of the bore well adjacent to the house of the petitioner situated in Ramapuram (V). of Talkondapally , Mahaboobnagar District and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.VASUDEVA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

The grievance of the petitioner is that he is not being allowed to take water from the bore well, which he has constructed in his own land.

The respondents have filed counter in which they have stated that the bore well constructed by the petitioner is only 300 square yards from the Gram Panchayat bore well, which was constructed for the purpose of supplying drinking water to the general public. If the petitioner continues to draw water from his bore well, then the bore well constructed by the Gram Panchayat would not suffice needs of the general public. It is further submitted that in terms of A.P. Water, Land and Trees Act, 2002 (herein after referred to 'the Act'), there is a restriction of construction of bore wells without seeking permission under Section 8 of the Act, from the Revenue Divisional Officer.

In this view of the matter, the writ petition deserves to be dismissed and is accordingly dismissed. However the petitioner is at liberty to approach the authority for grant of permission to use the bore well. No costs.

5th August, 2004

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To:

1.The District Collector
Mahaboobnagar.
2.The Revenue Divisional Officer
Mahaboobnagar.
3.The Mandal Revenue Officer
Talkondapally Mandal, Mahaboobnagar Dist.

4.Two CCs to the G.P for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5.Two CD copies.